

Appln. No. 10/083,792
Attorney Docket 01-1001

REMARKS

Applicant submits this Response to the final Office Action¹ mailed September 8, 2004. Applicant has amended claims 1, 5, 7, 8, 12, 16 and 17, cancelled claims 4, 6, 13-15, 18-21 (without prejudice), and added new claims 22-25. Applicant has also amended paragraph 60 of the specification to correct a typographical error. No new matter has been added. Claims 1-3, 5, 7-12, 16, 17 and 22-25 are now pending.

In the Office Action, the Examiner has objected to claim 1 due to a typographical error in line 1. Applicant has corrected this error by amending claim 1 as indicated above, and thus respectfully requests that the objection be withdrawn.

The Examiner has rejected claims 1-12, 14 and 16-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,771,949 to Corliss ("Corliss") in view of U.S. Patent Application Publication No. 2002/0077082 to Cruickshank ("Cruickshank"). As claims 4, 6, 14 and 18-21 have been cancelled, the rejections of these claims are moot. Applicant respectfully requests that the Examiner reconsider the rejections of the remaining claims in light of the following discussion.

Corliss describes a "wireless voice messaging system" that includes a "wireless switch," a "service node" linked to the wireless switch, and a "voice response unit" that "includes at least one voice mailbox . . . which corresponds to or is associated with a subscriber of the voice mail system." (Corliss, col. 4, ll. 24-49, Fig. 1.) The service node described in Corliss acts as a "Short Message Service Center" for transferring Short Messaging Service (SMS) messages. (Id.,

¹ Unless specifically noted in this Response, Applicant by this Response does not subscribe or acquiesce to any of the Examiner's characterizations in the Office Action of the scope of the claims, the content of cited references, any alleged motivation to combine cited references, the applicability of any cited references to any claims, or the state of the art in general. Where Applicant has presented a sufficient basis for patentability of a claim through the absence of one or more claim elements, Applicant does not automatically subscribe or acquiesce to the Examiner's characterizations as to the applicability of cited references to other claim elements or dependent claims, merely because Applicant may be silent with respect thereto.

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col. 4, ll. 35-39.) When a voice message is stored in a voice mailbox, the voice response unit signals the service node using an SMS message. (Id., col. 4, ll. 60-66.) The service node transmits the SMS message to an “adjunct processor” which queries a database to determine a subscriber email address, and instructs the service node to forward the SMS message to an “Internet gateway.” (Id., col. 6, ll. 54-61.) The Internet gateway “translates” the SMS message into an Internet e-mail, which is sent to the subscriber. (Id., col. 7, ll. 7-11.) Corliss does not, however, describe receiving a message from an SCP in the telephone network including an identifier of the calling party and a voice mail message. Nor does Corliss describe providing a message in an instant messaging format including either a calling party identifier or a voice mail message to the called party. Nor does Corliss describe any determination of whether the called party is a subscriber to a voice messaging server.

Cruickshank describes a system whereby “voice messages may be downloaded from a voice messaging server to a handheld computing device.” (Cruickshank, ¶ 6.) A “voice messaging server” is described as being connected to a “private branch exchange” and a “data network.” (Id., ¶ 15, Fig. 1.) The private branch exchange is connected to the PSTN, allowing a telephone connected to the private branch exchange to connect to the PSTN. (Id.) An “instant messaging server” is also described as being “associated with the voice messaging server . . . to alert the handheld . . . to new messages present at the voice messaging server.” (Id.) In one of the described embodiments, upon arrival in the voice messaging server of a voice message for a user, the voice messaging server sends an instant message (through the instant messaging server) over the data network to the handheld of the user. (Id., ¶ 29.) This instant message is described as possibly containing “additional details” about the voice message (such as the caller’s name), as well as a file containing the voice message. (Id.) Notably absent from Cruickshank, however, is any discussion of receiving a message from an SCP in the telephone network including an identifier of the calling party and the voice mail message. Nor does Cruickshank describe any determination that the called party is a subscriber to a voice messaging system.

In contrast to the descriptions in Cruickshank and Corliss, claim 1 recites a method that includes:

receiving a first message from an SCP in the telephone network at the at least one gateway device including an identifier of the calling party and the voice mail message; and

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providing a second message in an instant messaging format including the calling party identifier and the voice mail message to the called party via the data network.

Neither Corliss nor Cruickshank teach or suggest the method of claim 1. For example, neither Corliss nor Cruickshank (whether individually or taken in combination), teach or suggest receiving a first message from an SCP in the telephone network at the at least one gateway device including an identifier of the calling party and the voice mail message, as is recited in claim 1. Given the absence of at least this portion of claim 1 from both Corliss and Cruickshank, Applicant believes claim 1 to be patentable over Corliss and/or Cruickshank, and respectfully requests that the Examiner withdraw the rejection of claim 1. As claims 2, 3 and 5 depend from claim 1, and therefore include all of the elements of claim 1, Applicant believes claims 2, 3 and 5 to be patentable over Corliss and/or Cruickshank for at least the same reasons as claim 1, and therefore respectfully requests that the Examiner withdraw the rejections of these claims as well.

Claim 8 recites a method that includes

receiving via the telephone network a voice mail for the user;
storing the voice mail in the telephone network;
sending a message from an SCP in the telephone network to a server connected to the data network, the message including the voice mail; and
storing the voice mail in a database in the data network.

Neither Corliss nor Cruickshank teach or suggest all of the elements of claim 8. For example, neither Corliss nor Cruickshank (whether individually or taken in combination) teach or suggest sending a message from an SCP in the telephone network to a server connected to the data network, the message including the voice mail. Given the absence of at least this portion of claim 8 from Corliss and/or Cruickshank, Applicant believes claim 8 to be patentable over Corliss and/or Cruickshank, and respectfully requests that the Examiner withdraw the rejection of claim 8. Since claims 9-11 depend from claim 8, and therefore include of the elements of claim 8, Applicant believes claims 9-11 to be patentable over Corliss and/or Cruickshank for at least the same reasons as claim 8. Applicant respectfully requests that the Examiner withdraw the rejections of claims 9-11 as well.

Claim 12 recites a system that includes

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a telephone network configured to receive a voice message from a calling party to a called party;
a data network configured to provide indication of the receipt of the voice message; and
a gateway device, connected to both the telephone network and the data network, configured to receive, via an SCP in the telephone network, a first message including the voice message and an indication of the calling party, and provide a second message including the voice message and the indication of the calling party to the called party via the data network.

Neither Corliss nor Cruickshank teach or suggest all of the elements of claim 12. For example, neither Corliss nor Cruickshank (whether individually or taken in combination) teach or suggest a system that includes a gateway device connected to both the telephone network and the data network, and configured to receive, via an SCP in the telephone network, a first message including the voice message and an indication of the calling party, and provide a second message including the voice message and the indication of the calling party to the called party via the data network. Given the absence of at least this portion of claim 12 from Corliss and/or Cruickshank, Applicant believes claim 12 to be patentable over Corliss and/or Cruickshank, and respectfully requests that the Examiner withdraw the rejection of claim 12. Since claims 16 and 17 depend from claim 12, and therefore include of the elements of claim 12, Applicant believes claims 16 and 17 to be patentable over Corliss and/or Cruickshank for at least the same reasons as claim 12. Applicant respectfully requests that the Examiner withdraw the rejections of claims 16 and 17 as well.

Claim 7 recites a method that includes

registering the voice mailbox owner using an instant messaging server;
receiving from the calling party the signaling information corresponding to the telephone number;
receiving from the calling party the voice mail message;
storing the voice mail message in a voice mail storage memory;
determining that the voice mailbox owner is a subscriber to a voice mail notification service;
generating a voice mail alert message corresponding to the voice mail message, the voice mail alert message including the voice mail message; and
transmitting the voice mail alert message to an instant messaging server.

Neither Corliss nor Cruickshank teach or suggest all of the elements of claim 7. For example, neither Corliss nor Cruickshank (whether individually or taken in combination) teach or suggest determining that the voice mailbox owner is a subscriber to a voice mail notification service.

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Given the absence of at least this portion of claim 7 from Corliss and/or Cruickshank, Applicant believes claim 7 to be patentable over Corliss and/or Cruickshank, and respectfully requests that the Examiner withdraw the rejection of claim 7.

In this Response, Applicant has added new claims 22-25. Claims 22 and 23 depend from claim 1, and therefore are patentable at least for the same reasons as claim 1. Independent claim 24 and its dependent claim 25 recite systems that Applicant believes are not taught or suggested by either Corliss or Cruickshank (either individually or in combination) and therefore are patentable over Corliss and/or Cruickshank.

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and Applicant requests that the Examiner pass this application to issue. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. Please charge any deficiencies in fees to patent office deposit account number 07-2347. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged against this account.

Respectfully submitted,

Dated: December 8, 2004

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